

United States  
1 1295  
Circuit Court of Appeals

For the Ninth Circuit.

CHANG SIM and CHANG YET,

Appellants,

vs.

EDWARD WHITE, as Commissioner of Immigra-  
tion for the Port of San Francisco,

Appellee.

Transcript of Record.

Upon Appeal from the Southern Division of the  
United States District Court for the  
Northern District of California,  
First Division.

FILED  
AUG 12 1921  
F. D. MONKTON,  
CLERK



**United States**  
**Circuit Court of Appeals**  
**For the Ninth Circuit.**

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CHANG SIM and CHANG YET,  
Appellants,  
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EDWARD WHITE, as Commissioner of Immigra-  
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# INDEX TO THE PRINTED TRANSCRIPT OF RECORD.

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

	Page
Assignment of Errors. ....	16
Certificate of Clerk U. S. District Court to Transcript on Appeal. ....	22
Citation on Appeal. ....	23
Demurrer to Petition for Writ of Habeas Corpus	11
Names and Addresses of Attorneys of Record..	1
Notice on Appeal. ....	14
Order Allowing Petition for Appeal and Releasing on Bond. ....	19
Order on Demurrer to Petition for a Writ of Habeas Corpus. ....	13
Order Extending Time to Docket Case. ....	25
Order Re Filing of Immigration Records. ....	12
Order to Show Cause. ....	9
Petition for Appeal. ....	14
Petition for Writ of Habeas Corpus. ....	2
Praecipe for Transcript on Appeal. ....	1
Return on Service of Writ. ....	10
Stipulation and Order Respecting Withdrawal of Immigration Record. ....	21



## **Names and Addresses of Attorneys of Record.**

For Petitioner and Appellant:

GEO. A. MCGOWAN, Esq., San Francisco,  
Calif.

For Respondent and Appellee:

UNITED STATES ATTORNEY, San Fran-  
cisco, Calif.

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In the Southern Division of the District Court of  
the United States, in and for the Northern  
District of California, First Division.

#16,859.

In the Matter of CHANG SIM and CHANG YET  
(4—22 “Korea Maru,” July 22, 1919; 12—15  
“Nanking,” Nov. 30, 1919), on Habeas Cor-  
pus.

### **Praeceptum for Transcript on Appeal.**

To the Clerk of Said Court:

Sir: Please make transcript of appeal in the  
above-entitled case, to be composed of the following  
papers, to wit:

1. Petition for writ.
2. Order to show cause.
3. Demurrer.
4. Minute order introducing Immigration Record  
at the hearing on demurrer.
5. Judgment and order denying petition.
6. Notice of appeal.
7. Petition for appeal.
8. Assignment of errors.

9. Order allowing appeal.
10. Citation on appeal.
11. Stipulation and order respecting Immigration Record.
12. Clerk's certificate.

GEO. A. MCGOWAN,  
Attorney for Petitioners.

[Endorsed]: Filed Jun. 6, 1921. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [1\*]

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In the Southern Division of the United States District Court in and for the Northern District of California, First Division.

No. (16,859).

In the Matter of the Application of CHANG SIM, CHANG YET (4—22 ex. SS. "Korea," July 22, 1919; 12—15 ex SS. "Nanking," November 30, 1919), on Habeas Corpus.

**Petition for Writ of Habeas Corpus.**

To the Honorable MAURICE T. DOOLING,  
United States District Judge in and for the Northern District of California.

It is respectfully shown in the petition of the undersigned, that Chang Sim and Chang Yet, hereinafter in this petition referred to as the detained, are unlawfully, imprisoned, detained, confined and restrained of their liberty by Edward White, Commissioner of Immigration for the Port of San

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\*Page-number appearing at foot of page of original certified Transcript of Record.



Francisco, at the United States Immigration Station at Angel Island, County of Marin, State and Northern District of California, Southern Division thereof; that the said imprisonment, detention, confinement and restraint are illegal, and that the illegality thereof consists in this, to wit:

That it is claimed by the said Commissioner of Immigration that the said detained are Chinese persons and are aliens, and not subject to or entitled to enter the United States under the terms and provisions of the Act of Congress of May 6, 1882; July 5, 1884; November 3, 1893; and April 29, 1902, as amended and added to by the Act of April 7, 1904 (The Deficiency Act), which [2] said acts are commonly known and referred to as the Chinese Exclusion or Restriction Acts; and that he, the said Commissioner of Immigration intends to deport the said detained away from and out of the United States to the Republic of China.

That the said commissioner claims that the said detained Chang Sim arrived at the Port of San Francisco, on or about the 22d day of July, 1919, on the SS. "Korea Maru," and thereupon made application to enter the United States as a citizen thereof, and the said detained Chang Yet, arrived at the port of San Francisco on or about the 30th day of November, 1919, on the SS. "Nanking," and thereupon made application to enter the United States as a citizen thereof; that the two said detained are the foreign born sons of Chang Wai Tong, who is a citizen of the United States of America, and whose status as such was so conceded in the ex-

ecutive proceedings in this petition referred to; and the said commissioner further claims that after due and proper examination and investigation of the claims of the two said detained, and during the pendency of the first thereof that said detained was released upon parole or bond during a considerable portion of the time, and after his return into the custody of the said commissioner and upon the completion of the hearing before the immigration authorities, the said detained were denied admission into the United States as the sons of a citizen of the United States, said denial being based upon a disbelief in the existence of the relationship of father and son as claimed upon behalf of each of the said detained; that an appeal was perfected from said excluding decision and that the excluding decision was affirmed upon appeal to the Secretary of Labor. That it is claimed by the said commissioner that in all of the proceedings had herein the detained was accorded a full [3] and fair hearing; that the action of the Board of Special Inquiry and of the Secretary of Labor was taken and made by them in the proper exercise of the discretion committed to them by the statute in such cases made and provided, and in accordance with the regulations promulgated under the authority contained in said statutes, all as more fully appears from the record of the hearing had before the said board and before the Secretary of Labor at Washington, which said record is now on file in the office of the said Secretary of Labor in Washington.

But, on the contrary, your petitioner alleges, upon his information and belief, that the hearing and proceedings had herein and the action of the said Board of Special Inquiry, and the action of the said Secretary of Labor, was and is in excess of the authority committed to them by the said statutes and the rules and regulations promulgated thereunder, and that the denial of the application of the detained to enter the United States as the sons of a citizen thereof, was and is an abuse of the discretion committed to them by the said statutes, and was done and arrived at by denying the said detained the full and fair hearing to which they were entitled under the said statutes in each of the following particulars:

First: Your petitioner alleges upon his information and belief that the evidence presented before the board and the Secretary upon the application of the detained to enter the United States, which said evidence is now hereby referred to with the said force and effect as if set forth in full herein, was of such a conclusive kind and character establishing the citizenship of the father of the detained, as a citizen of the United States, and the existence of the relationship of father and sons between the father and the detained, and hence [4] showing the detained to be the sons of a citizen of the United States, and was of such legal weight and sufficiency that it was an abuse of discretion on the part of the said board and the said Secretary to deny the detained the right of admission into the United States and that in refusing to be guided thereby and in de-

ciding adversely thereto, the detained were deprived of the full and fair hearing and consideration of their cases to which they were entitled under the said statutes. Your petitioner further alleges upon his information and belief that the said adverse action of the said board and the said Secretary was influenced against the said detained and against their witnesses because they were of the Chinese race.

That your petitioner has not in his possession any part or parts of the said proceedings had before the said Special Board of Inquiry and the said Secretary of Labor, for the reason that your petitioner has just received telegraphic advice of the dismissal of the said appeal, and the copy of the said records formerly in the possession of the attorney for the said detained, is now in the mails en route from Washington, D. C., to San Francisco; and it is for said reason impossible for your petitioner to annex hereto any part or parts of said immigration records; but your petitioner alleges his willingness to incorporate, and have considered as part and parcel of his petition, the said immigration record when the same shall have been received from the Secretary of Labor, at Washington, and shall have it presented to this Court at the hearing to be had hereon.

That it is the intention of the said commissioner to deport the said detained Chang Sim out of the United States and away from the land of which he is a citizen by the SS. "Persia Maru," sailing from the port of San Francisco upon the 26th day

of May, 1920, and the said detained Chang Yet out of the United States [5] and away from the land of which he is a citizen by the SS. "China" sailing from the port of San Francisco upon the 22d day of June, 1920, and unless this Court intervenes to prevent said deportation the said detained will be deprived of residence within the land of their citizenship.

That the said detained are in detention as aforesaid, and for said reason are unable to verify this petition upon their own behalf, and for said reason said petition is verified by your petitioner, but for and as the act of the said detained.

WHEREFORE, your petitioner prays that a writ of habeas corpus issue herein as prayed for, directed to the said Commissioner, commanding and directing him to hold the bodies of the said detained within the jurisdiction of this court, and to present the bodies of the detained before this court at a time and place to be specified in said order, together with the time and cause of their detention, so that the same may be inquired into to the end that the said detained may be restored to their liberty and go hence without day.

Dated, San Francisco, California, May 25th, 1920.

LEE YEW NAM.

GEO. A. McGOWAN,

Attorney for Petitioner,

Bank of Italy Building,

San Francisco, California. [6]



United States of America,  
State and Northern District of California,  
City and County of San Francisco,—ss.

The undersigned, being first duly sworn, deposes and says:

That he is the petitioner named in the foregoing petition; that the same has been read and explained to him and he knows the contents thereof; that the same is true of his own knowledge except as to those matters which are therein stated on his information and belief, and as to those matters he believes it to be true.

LEE YEW NAM.

Subscribed and sworn to before me this 25th day of May, 1920.

[Seal]                      THOMAS S. BURNES,  
Notary Public, in and for the City and County of  
San Francisco, State of California.

[Endorsed]: Filed May 25, 1920. W. B. Maling,  
Clerk. By C. M. Taylor, Deputy Clerk. [7]

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In the Southern Division of the United States District Court in and for the Northern District of California, First Division.

(No. 16,859.)

In the Matter of the Application of CHANG SIM, CHANG YET (4—22 ex. SS. "Korea," July 22, 1919; 12—15 ex SS. "Nanking," November 30, 1919), on Habeas Corpus.

**Order to Show Cause.**

Good cause appearing therefor, and upon reading the verified petition for a writ of habeas corpus on file herein,—

IT IS HEREBY ORDERED that Edward White, Commissioner of Immigration for the port of San Francisco, appear before this Court on the 29th day of May, 1920, at the hour of 10 A. M. of said day, to show cause, if any he has, why a writ of habeas corpus should not be issued as prayed for herein, and that a copy of this order be served upon the said commissioner and a copy of the petition herein be served upon the United States District Attorney for this District.

AND IT IS FURTHER ORDERED that the said Edward White, Commissioner of Immigration as aforesaid, or whoever acting under the orders of the said commissioner or the Secretary of Labor, shall have the custody of the said Chang Sim and Chang Yet, are hereby ordered and directed to retain the said Chang Sim and Chang Yet within the custody of the said Commissioner of Immigration and within the jurisdiction of this Court until its further order herein, and herein fail ye not.

M. T. DOOLING,  
United States District Judge.

Dated, San Francisco, California, May 26, 1920.

**Return on Service of Writ.**

United States of America,  
Nor. District of Calif.,—ss.

I hereby certify and return that I served an order to show cause on the therein named Edward White, Commissioner of Immigration, by handing to and leaving a true and correct copy thereof with Edward White, Comr. of Immigration, personally, at San Francisco, in said District, on the 26th day of May, A. D., 1920.

J. B. HOLOHAN,  
U. S. Marshal.  
By H. Maguire,  
Deputy.

[Endorsed]: Filed May 26, 1920. W. B. Maling,  
Clerk. By C. M. Taylor, Deputy Clerk. [9]

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In the Southern Division of the United States District Court for the Northern District of California, First Division.

No. 16,859.

CHANG SIM and CHANG YET,

Plaintiffs,

vs.

EDWARD WHITE, U. S. Commissioner of Immigration, etc.,

Respondent.



**Demurrer to Petition for Writ of Habeas Corpus.**

Now comes the respondent, Edward White, Commissioner of Immigration, at the port of San Francisco, in the Southern Division of the Northern District of California, and demurs to the petition for a writ of habeas corpus in the above-entitled cause and for grounds of demurrer alleges:

I.

That the said petition does not state facts sufficient to entitle petitioner to the issuance of a writ of habeas corpus or for any relief thereon.

II.

That said petition is insufficient in that the statements therein relative to the record of the testimony taken on the trial of the said applicants are conclusions of law and not statements of the ultimate facts.

WHEREFORE, respondent prays that the writ of habeas corpus be denied.

ANNETTE ABBOTT ADAMS,

United States Attorney,

BEN F. GEIS,

Asst. United States Attorney,

Attorneys for Respondent.

[Endorsed]: Filed June 12, 1920. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk.  
[10]

At a stated term of the District Court of the United States for the Northern District of California, First Division, held at the courtroom thereof, in the City and County of San Francisco, State of California, on Saturday, the twelfth day of June, in the year of our Lord one thousand nine hundred and twenty. Present: The Honorable MAURICE T. DOOLING, Judge.

No. 16,859.

In the Matter of CHANG SIM and CHANG YET  
on Habeas Corpus.

**Order Re Filing of Immigration Records.**

This matter came on regularly this day for hearing on order to show cause, etc. Geo. A. McGowan, Esq., was present on behalf of petitioner and detained. B. F. Geis, Esq., Asst. U. S. Atty., was present on behalf of respondent and presented demurrer to petitioner, and all parties consenting thereto, it is ordered that the Immigration Records be filed as Respondent's Exhibits "A," "B" and "C," and that the same be considered as part of original petition. On motion of Mr. McGowan, and Mr. Geis consenting thereto, the Court ordered that this matter be continued to June 19, 1920, for hearing on demurrer. [11]

In the Southern Division of the United States District Court for the Northern District of California, First Division.

No. 16,859.

In the Matter of CHANG SIM and CHANG YET  
on Habeas Corpus.

GEORGE A. McGOWAN, Esq., Attorney for Petitioner.

FRANK M. SILVA, Esq., United States Attorney,  
and BEN. F. GEIS, Esq., Assistant United States Attorney, Attorneys for Respondent.

**(Order) on Demurrer to Petition for a Writ of Habeas Corpus.**

The demurrer to the petition for a writ of habeas corpus herein is sustained, and the said petition is denied.

October 21st, 1920.

M. T. DOOLING,  
Judge.

[Endorsed]: Filed Oct. 21, 1920. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [12]

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In the Southern Division of the United States District Court in and for the Northern District of California, First Division.

No. 16,859.

In the Matter of CHANG SIM and CHANG YET  
on Habeas Corpus.

**Notice on Appeal.**

To the Clerk of the Above-entitled Court and to the  
Hon. FRANK SILVA, United States Attorney  
for the Northern District of California:

You and each of you will please take notice that  
Chang Sim and Chang Yet, the petitioners and the  
detained above named, do hereby appeal to the Cir-  
cuit Court of Appeals of the United States for the  
Ninth Circuit thereof, from the order and judgment  
made and entered herein on the 21st day of October,  
A. D. 1920, sustaining the demurrer to and in deny-  
ing the petition for a writ of habeas corpus filed  
herein.

Dated at San Francisco, California, November  
29th, 1920.

GEO. A. McGOWAN,  
Attorney for the Petitioners and Appellants Here-  
in. [13]

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In the Southern Division of the United States Dis-  
trict Court in and for the Northern District of  
California, First Division.

No. 16,859.

In the Matter of CHANG SIM and CHANG YET  
on Habeas Corpus.

**Petition for Appeal.**

Now comes Chang Sim and Chang Yet, the peti-  
tioners, the detained and the appellants herein, and  
say:

That on the 21st day of October, 1920, the above-entitled court made and entered its order denying the petition for a writ of habeas corpus, as prayed for, on file herein, in which said order in the above-entitled cause certain errors were made to the prejudice of the appellants herein, all of which will more fully appear from the assignment of errors filed herewith.

WHEREFORE, these appellants pray that an appeal may be granted in their behalf to the Circuit Court of Appeals of the United States, for the Ninth Circuit thereof, for the correction of the errors so complained of, and further, that a transcript of the record, proceedings and papers in the above-entitled cause, as shown by the praecipe, duly authenticated, may be sent and transmitted to the said United States Circuit Court of Appeals, for the Ninth Circuit thereof; and further, that the said detained be admitted to bail during the pendency of the appeal herein, upon giving a bond before a Commissioner of this Court, in the sum of one thousand dollars conditioned that he will return and surrender himself in execution of whatever judgment may be finally entered herein.

Dated, at San Francisco, California, November 29th, 1920.

GEO. A. MCGOWAN,  
Attorney for the Petitioners and Appellants Herein,  
[14]

In the Southern Division of the United States District Court in and for the Northern District of the State of California, First Division.

No. 16,859.

In the Matter of CHANG SIM and CHANG YET,  
on Habeas Corpus.

**Assignment of Errors.**

Comes now Chang Sim and Chang Yet, by their attorney, Geo. A. McGowan, Esquire, in connection with their petition for an appeal herein, assign the following errors which they aver occurred upon the trial or hearing of the above-entitled cause, and upon which they will rely, upon appeal to the Circuit Court of Appeals for the Ninth Circuit, to wit:

First. That the Court erred in denying the petition for a writ of habeas corpus herein.

Second. That the Court erred in holding that it has no jurisdiction to issue a writ of habeas corpus, as prayed for in the petition herein.

Third. That the Court erred in sustaining the demurrer and in denying the petition of habeas corpus herein and remanding the petitioners to the custody of the immigration authorities for deportation.

Fourth. That the Court erred in holding that the allegations contained in the petition herein for a writ of habeas corpus and the facts presented upon the issue made and joined herein were insuffi-



cient in law to justify the discharge of the petitioners from custody as prayed for in said petition.  
[15]

Fifth. That the judgment made and entered herein is contrary to law.

Sixth. That the judgment made and entered herein is not supported by the evidence.

Seventh. That the judgment made and entered herein is contrary to the evidence.

Eighth. That the Court erred in holding that the Immigration Records from the immigration authorities of the Philippine Islands affecting a supposed prior landing at Manila of persons claiming to be the wife and children of the father of these detained was sufficient in law to discredit the said father and to cause the said petition to be denied.

Ninth. The Court erred in holding that the Secretary of Labor did not abuse the discretion vested in him in using the immigration record mentioned and described in the foregoing assignment for the purpose of discrediting the father of the said detained and in supporting his denial of their application to enter the United States.

Tenth. That the Court erred in holding that the Secretary of Labor did *no* abuse the discretion vested in him in discrediting the testimony of the father of the said detained and in denying their application to enter the United States by reason of a former affidavit made by the father respecting one of his sons' coming to the United States.

Eleventh. The Court erred in holding that the Secretary of Labor did not abuse the discretion

vested in him in rejecting the testimony submitted upon behalf of the said detained and in not holding that the legal weight and sufficiency of said testimony was sufficient as a proposition of law to legally establish the citizenship of the said detained. [16]

WHEREFORE, the appellants pray that the judgment and order of the Southern Division of the United States District Court for the Northern District of the State of California, First Division, made and entered herein in the office of the clerk of the said court on the 21st day of October, 1920, discharging the order to show cause, sustaining the demurrer and in denying the petition for a writ of habeas corpus, be reversed, and that this cause be remitted to the said lower court with instructions to discharge the said Chang Sim and the said Chang Yet from custody, or grant them a new trial before the lower court, by directing the issuance of the writ of habeas corpus as prayed for in said petition.

Dated, San Francisco, California, November 29th, 1920.

GEO. A. McGOWAN,

Attorney for Petitioners and Appellants.

Service of the within notice and petition for appeal and assignment of errors and receipt of a copy thereof is hereby admitted this 2d day of December, 1920.

FRANK M. SILVA,

U. S. Atty.

[Endorsed]: Filed Dec. 3, 1920. W. B. Maling, Clerk. By C. M. Taylor, Deputy Clerk. [17]



In the Southern Division of the United States District Court in and for the Northern District of the State of California, First Division.

No. 16,859.

In the Matter of CHANG SIM and CHANG YET,  
on Habeas Corpus.

**Order Allowing Petition for Appeal (and Releasing  
on Bond).**

On this 3d day of December, 1920, come Chang Sim and Chang Yet, the detained herein, by their attorney, George A. McGowan, Esq., and having previously filed herein, did present to this court their petition praying for the allowance of an appeal to the United States Circuit Court of Appeals for the Ninth Circuit, intended to be urged and prosecuted by them, and praying also that a transcript of the record and proceedings and papers upon which the judgment herein was rendered, duly authenticated, may be sent to the United States Circuit Court of Appeals for the Ninth Circuit, and that such other and further proceedings may be had in the premises as may seem proper.

ON CONSIDERATION WHEREOF, the Court hereby allows the appeal herein prayed for, and orders execution and remand stayed pending the hearing of the said cases in the United States Circuit Court of Appeals for the Ninth Circuit, that the appellants may remain at large upon the bonds, in the sum of one [18] thousand dollars

(\$1,000.00) each, previously given and accepted herein, and that they remain within the United States, and render themselves in execution of whatever judgment is finally entered herein at the termination of said appeal, and that the United States Marshal for this District is authorized to take the detained into his custody for the purpose of effecting their release upon said bond.

Dated, San Francisco, California, December 3d, 1920.

M. T. DOOLING,  
United States District Judge.

Service of the within order and receipt of a copy thereof is hereby admitted this 2d day of December, 1920.

FRANK M. SILVA,  
U. S. Atty.

[Endorsed]: Filed Dec. 3, 1920. W. B. Maling,  
Clerk. By C. M. Taylor, Deputy Clerk. [19]

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In the Southern Division of the District Court of  
the United States, in and for the Northern Dis-  
trict of California, First Division.

#16,859.

In the Matter of CHANG SIM and CHANG YET,  
(4—22 “Korea Maru,” July 22, 1919; 12—15  
“Nanking,” Nov. 30, 1919), on Habeas  
Corpus.

**Stipulation and Order Respecting Withdrawal of  
Immigration Record.**

IT IS HEREBY STIPULATED AND AGREED by and between the attorney for the petitioner and appellant herein, and the attorney for the respondent and appellee herein, that the original immigration records (Exhibits "A," "B" and "C") in evidence and considered as part and parcel of the petition for a writ of habeas corpus upon hearing of the demurrer in the above-entitled matter, may be withdrawn from the files of the clerk of the above-entitled court and filed with the clerk of the United States Circuit Court of Appeals in and for the Ninth Judicial Circuit, there to be considered as part and parcel of the record on appeal in the above-entitled case with the same force and effect as if embodied in the transcript of the record and so certified to by the clerk of this court.

Dated, San Francisco, California, June 10, 1921.

GEO. A. McGOWAN,

Attorney for Petitioner and Appellants.

FRANK M. SILVA,

United States Attorney for the Northern District of  
California,

Attorney for Respondent and Appellee. [20]

**ORDER.**

Upon reading and filing the foregoing stipulation, it is hereby ordered that the said Immigration Record therein referred to may be withdrawn from the office of the clerk of this court and filed in the office

of the clerk of the United States Circuit Court of Appeals in and for the Ninth Judicial Circuit, said withdrawal to be made at the time the record on appeal herein is certified to by the clerk of this court.

M. T. DOOLING,

United States District Judge.

Dated, San Francisco, California, June 10, 1921.

[Endorsed]: Filed Jun. 11, 1921. W. B. Maling, Clerk. By C. M. Taylor, Deputy Clerk. [21]

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**Certificate of Clerk U. S. District Court to  
Transcript on Appeal.**

I, Walter B. Maling, Clerk of the District Court of the United States, for the Northern District of California, do hereby certify that the foregoing 21 pages, numbered from 1 to 21, inclusive, contain a full, true and correct transcript of certain records and proceedings, in the Matter of Chang Sim and Chang Yet, on Habeas Corpus, No. 16859, as the same now remain on file and of record in this office; said transcript having been prepared pursuant to and in accordance with the praecipe for transcript on appeal (copy of which is embodied herein), and the instructions of the attorney for petitioner and appellant herein.

I further certify that the cost for preparing and certifying the foregoing transcript on appeal is the sum of seven dollars and seventy-five cents (\$7.75),

and that the same has been paid to me by the attorney for the appellant herein.

Annexed hereto is the original citation on appeal issued herein (page 23).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court, this 11th day of June, A. D. 1921.

[Seal]

WALTER B. MALING,  
Clerk.

By C. M. Taylor,  
Deputy Clerk. [22]

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**(Citation on Appeal.)**

UNITED STATES OF AMERICA,—ss.

The President of the United States, to EDWARD WHITE, as Commissioner of Immigration for the Port of San Francisco, and to FRANK M. SILVA, United States Attorney for the Southern Division, Northern District of California, His Attorney Herein, GREETING:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at the city of San Francisco, in the State of California, within thirty days from the date hereof, pursuant to an order allowing an appeal, of record in the clerk's office of the United States District Court for the Northern District of California, Southern Division thereof, wherein Chang Sim and Chang Yet are appellants and you are appellee, to show cause, if any there be,

why the decree rendered against the said appellant, as in the said order allowing appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable WM. H. HUNT, United States Circuit Judge for the Southern Division, Northern District of California, this 16th day of April, A. D. 1921.

WM. H. HUNT,  
United States Circuit Judge.

Service *within the* citation on appeal and receipt of the copy thereof is hereby certified this 16th day of April, 1921.

FRANK M. SILVA,  
United States Attorney.

Per GEIS.

This is to certify that a copy of the within citation on appeal has been this day lodged with me as clerk of the United States District Court for the Northern District of California, Southern Division thereof.

W. B. MALING,  
Clerk.

By C. W. Calbreath,  
Deputy Clerk.

[Endorsed]: No. 16,859. United States District Court for the Northern District of California, Southern Division. Chang Sim and Chang Yet (on Habeas Corpus), Appellants, vs. Edward White, as Commissioner of Immigration, Port of San Francisco, Appellee. Citation on Appeal. Filed Apr. 16,



1921. W. B. Maling, Clerk. By C. W. Calbreath,  
Deputy Clerk. [23]

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[Endorsed]: No. 3696. United States Circuit Court of Appeals for the Ninth Circuit. Chang Sim and Chang Yet, Appellants, vs. Edward White, as Commissioner of Immigration for the Port of San Francisco, Appellee. Transcript of Record. Upon Appeal from the Southern Division of the United States District Court for the Northern District of California, First Division.

Filed June 11, 1921.

F. D. MONCKTON,  
Clerk of the United States Circuit Court of Appeals for the Ninth Circuit.

By Paul P. O'Brien,  
Deputy Clerk.

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In the Southern Division of the District Court of the United States, in and for the Northern District of California, First Division.

#16,859.

In the Matter of CHANG SIM and CHANG YET  
(4—22 “Korea Maru,” July 22, 1919; 12—15  
“Nanking,” Nov. 30, 1919), on Habeas  
Corpus.

**Order Extending Time to Docket Case.**

Good cause appearing therefor, and upon motion of Geo. A. McGowan, Esq., attorney for the petitioners and appellants herein:

IT IS HEREBY ORDERED that the time within which the above-entitled case may be docketed in the office of the clerk of the United States Circuit Court of Appeals for the Ninth Circuit may be and the same is hereby extended for a period of thirty (30) days from and after the day hereof.

Dated, San Francisco, Cal., May 14, 1921.

WM. B. GILBERT,  
United States Circuit Judge.

[Endorsed]: No. 3696. United States Circuit Court of Appeals for the Ninth Circuit. Order Extending Time to Docket Case. Filed May 14, 1921. F. D. Monckton, Clerk. Refiled Jun. 11, 1921. F. D. Monckton, Clerk.